



January 27, 2006

SENATE BILL No. 373

DIGEST OF SB 373 (Updated January 25, 2006 7:27 pm - DI 106)

Citations Affected: IC 12-14.

Synopsis: Payments for funeral and burial expenses. Requires the division of family resources to pay funeral director and cemetery expenses incurred for an individual receiving or certified to receive certain public assistance at the time of death. Provides that the division has a preferred claim against a decedent's estate that has sufficient assets to pay the funeral director and cemetery expenses. Increases the amount contributed from friends, relatives, and the decedent's estate that the division may not consider in determining the amount to be paid for the funeral director or cemetery expenses.

Effective: July 1, 2006.

Mishler, Smith S, Sipes

January 11, 2006, read first time and referred to Senate Committee on Appropriations.
January 19, 2006, pursuant to Senate Rule 65(b), reassigned to Committee on Judiciary.
January 26, 2006, reported favorably — Do Pass.

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SB 373—LS 6442/DI 110+



January 27, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

SENATE BILL No. 373

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-14-17-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) This section
3 applies upon the death of either of the following:

4 (1) A recipient who is receiving supplemental assistance.

5 (2) An aged, blind, or disabled person who at the time of death
6 was certified as eligible to receive medical assistance under
7 Medicaid.

8 (b) ~~Unless otherwise determined by the director,~~ **Except as**
9 **provided in subsection (c),** the division shall pay six hundred dollars
10 (\$600) for the funeral director's expenses of the decedent if the
11 following conditions exist:

12 (1) The estate of the deceased is insufficient to pay the funeral
13 director's expenses.

14 (2) The individual legally responsible for the burial of the
15 deceased is unable to pay the funeral director's expenses.

16 **(c) If the division determines that the estate of the deceased is**
17 **sufficient to pay all or part of the funeral director's expenses, the**



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division:

(1) shall pay six hundred dollars (\$600) for expenses that the funeral director has incurred; and

(2) may recover the amount paid by the division under this section as a preferred claim from the estate of the deceased.

SECTION 2. IC 12-14-17-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. ~~Unless otherwise determined by the director;~~ (a) Except as provided in subsection (b), in addition to money paid by the division under section 2 of this chapter and even if the deceased or person legally responsible for the deceased possesses a burial lot, the division shall pay four hundred dollars (\$400) for the cemetery's expenses for the deceased to cover the following:

(1) The provision of burial rights if necessary.

(2) The opening and closing of a burial plot and provision of an outer container.

(3) The service required by the cemetery authorities.

(b) If the division determines that the estate of the deceased is sufficient to pay all or part of the cemetery's expenses, the division:

(1) shall pay four hundred dollars (\$400) for expenses that the cemetery has incurred; and

(2) may recover the amount paid by the division under this section as a preferred claim from the estate of the deceased.

SECTION 3. IC 12-14-17-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.5. Except for a claim for the costs and expenses of administration, a claim filed under sections 2(c) and 3(b) of this chapter is a superior claim.

SECTION 4. IC 12-14-17-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. ~~An amount not exceeding~~ The division:

(1) may not consider a combined total of one thousand seven hundred fifty dollars ~~(\$750)~~ (\$1,750) that is contributed by:

~~(1)~~ (A) friends;

~~(2)~~ (B) relatives; and

~~(3)~~ (C) the resources of the deceased; and

(2) may consider any amount that exceeds one thousand seven hundred fifty dollars (\$1,750) contributed by:

(A) friends;

(B) relatives; and

(C) the resources of the deceased;

~~may not be considered~~ when determining the amount to be paid to the

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1 funeral director for expenses under this chapter. However, the
 2 resources of the deceased may not be used if the deceased has prepaid
 3 funeral expenses that were excluded as a resource for Medicaid
 4 eligibility under IC 12-15-2.

5 SECTION 5. IC 12-14-17-5 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. ~~An amount not~~
 7 ~~exceeding~~ **The division:**

8 **(1) may not consider** a combined total of ~~two~~ **four** hundred
 9 dollars ~~(\$200)~~ **(\$400)** that is contributed by:

10 ~~(1)~~ **(A)** friends;

11 ~~(2)~~ **(B)** relatives; and

12 ~~(3)~~ **(C)** the resources of the deceased; **and**

13 **(2) may consider any amount that exceeds four hundred**
 14 **dollars (\$400) contributed by:**

15 **(A) friends;**

16 **(B) relatives; and**

17 **(C) the resources of the deceased;**

18 ~~may not be considered~~ when determining the amount to be paid to the
 19 cemetery for expenses under this chapter. However, the resources of
 20 the deceased may not be used if the deceased has prepaid funeral
 21 expenses that were excluded as a resource for Medicaid eligibility
 22 under IC 12-15-2.

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REPORT OF THE PRESIDENT
PRO TEMPORE

Madam President: Pursuant to Senate Rule 65(b), I hereby report that Senate Bill 373, currently assigned to the Committee on Appropriations, be reassigned to the Committee on Judiciary.

GARTON

SENATE MOTION

Madam President: I move that Senators Smith S and Sipes be added as coauthors of Senate Bill 373.

MISHLER

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 373, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 373 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 9, Nays 0.

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